
Summary of 1999 Maryland Legislation

BILL #	TITLE/SPONSORS	SYNOPSIS	STATUS / OUTCOME
HB042	Condominium Warranties Sponsor: Chairman, Economic Matters Committee (Sec. of State)	The Bill provides that in residential condominium regimes, certain implied warranties may not be excluded or modified; it clarifies that certain warranties apply to sales of condominiums by developers. It modifies § 10-203 and § 11-131 of the Real Property Article of the Annotated Code of Maryland. The bill was introduced as there had been some attempts to draft condominium documents to avoid the statutory warranties.	The bill was passed by both the House and Senate and has been signed by the Governor. <i>Law effective: October 1, 1999.</i>
HB086	Real Property - Sales of Homes - Disclosure Requirements Sponsors: Leopold, Cadden, McKee, Rosso, Claggett, Hubbard, Heller, Love, Pendergrass, Pitkin, D'Amato and Mohorovic	The Bill requires home sellers/agents to notify buyers to consult the appropriate county agency for information and to become informed of, government plans that may affect the home; requires home sellers, or the seller's agent, to provide buyers with the address of the appropriate county agency where the buyer may review such plans; creates addendum to home sales contracts under specified circumstances; etc. Modifies § 17-322 Business Occupations and Professions Article, and § 10-703 Real Property Article of the Annotated Code of Maryland.	The bill met with stiff opposition, as would be expected, by the real estate industry. The bill was given an unfavorable report by the House Economic Matters Committee and, thereby, was killed.
HB106	Maryland Condominium Act - Disclosure Requirements - Public Offering Statement Sponsors: Brown, Kagan, Moe, Frush, Hill, and Pitkin	Condominium developers would be required to provide purchasers with a current public offering statement; require the public offering statement (POS) to include specific information about the assessment collection; require a plain language summary of specific information required in the POS; it provides that a POS is current only if certain information is updated annually. Modifies § 11-126 and § 11-127 of the Real Property Article of the Annotated Code of Maryland.	The bill was passed by both the House and Senate, and has been signed by the Governor. <i>Law effective: October 1, 1999.</i>

Commission on Common Ownership Communities

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HB131	Real Property - Maryland Condominium Act - Unit Owner Liability Sponsors: Leopold and Krysiak	This bill would require a unit owner to pay the insurance deductible for the condominium's master insurance coverage when the loss originates within their unit; authorizes a council of unit owners to opt out of parts of the law; limits the monetary liability of a unit owner to \$1,000.00; requires the council of unit owners to advise unit owners of their potential liability for the insurance deductible; authorizes the council to assess a unit owner for the deductible; etc. Modifies § 11-114 of the Real Property Article of the Annotated Code of Maryland.	The bill was given an unfavorable report by the House Economic Matters Committee (Real Property Subcommittee) and, thereby, was killed. The defeat was largely due to the complexity and technical nature of this issue, and it is likely that some sort of insurance reform will return in 2000.
HB161	Real Property - Sale of New Homes - Disclosure of Environmental Hazards Sponsors: Kach, Pendergrass, Bobo	The bill would require homebuilders to disclose or make a disclaimer as to the presence of certain hazardous materials on the site of a new home; provide that the requirements of the Act are intended to be in addition to the requirements of any other ordinance, law, resolution, or rule and that the Act may not be construed to preempt or prevail over any other ordinance, law, resolution, or rule. Modifies §§ 10-603, -604 & -607 of the Real Property Article of the Annotated Code of Maryland.	This bill was passed by both the House and Senate. <i>Law effective: January 1, 2000.</i>
HB387	Real Property - Nuisance Abatement and Local Code Enforcement - Community Associations Sponsors: Dypski, Hammen, and Krysiak.	This is a local Baltimore City bill that alters the definition of "community association" under certain provisions of the law relating to the standing to seek judicial relief for abatement of certain nuisances; alters notice requirements. Modifies § 14-123 of the Real Property Article of the Annotated Code of Maryland.	This bill was given an unfavorable report by the House Economic Matters Committee and, thereby, was killed.
HB438	Maryland Real Estate Time-Sharing Act - Promotional Devices - Disclosure Sponsors: Krysiak, LaVay, Kirk, and Dembrow.	Authorizes and clarifies the use of certain promotional devices to solicit the purchase of time-shares if certain disclosures are made; repeals certain prohibitions against using certain promotional devices; and generally relates to the Maryland Real Estate Time-Sharing Act. Modifies § 11A-119 of the Real Property Article of the Annotated Code of Maryland.	This bill was passed by the House Economic Matters Committee, but died in the Senate Judicial Proceedings Committee due to no action.

Commission on Common Ownership Communities

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HB620	Time-Shares - Sale of Foreclosed Time-Shares by Associations. Sponsors: Bozman, Conway, and McClenahan.	This bill alters the definition of developer under the Maryland Real Estate Time-Sharing Act to specifically exclude an association that re-sells time-shares acquired by the association through foreclosure of a lien for non-payment of specified assessments and charges by deed in lieu of foreclosure from time-share owners who become delinquent in specified assessments and charges; requiring associations reselling time-shares to provide purchasers with a certificate disclosing specified information. Modifies §§ 11A-101 & 115 of the Real Property Article of the Annotated Code of Maryland.	This bill was passed by both the House and Senate, and has been signed by the Governor. <i>Law effective: October 1, 1999.</i>
HB673	Real Property - Water and Sewer Authority - Disclosure of Deferred Charges Sponsors: Montgomery & Prince Georges' Delegations.	The bill adds a definition of "water and sewer authority" in a provision requiring a contract for the initial sale of improved, residential real property to disclose the cost of deferred water and sewer charges to the purchaser.	This bill was passed by both the House and Senate. <i>Law effective: October 1, 1999.</i>
HB728	Condominiums - Common Elements - Eminent Domain. Sponsors: Barve and Petzold.	This bill authorizes a condominium board, by majority vote, to settle eminent domain proceedings or grant property interests to governmental entities with condemnation authority for specified purposes; specifies notice/procedural requirements; makes technical corrections. Modifies § 11-125 of the Real Property Article of the Annotated Code of Maryland.	This bill was passed by both the House and Senate. <i>Law effective: October 1, 1999.</i>
HB803	Homeowners Associations - Family Day Care. Sponsor: Petzold.	The bill would prevent homeowners associations from including in a Declaration, Bylaws or recorded covenants, a provision expressly prohibiting the use of a residence as a family day care home until lot owners, other than the developer, have 90% of the votes in the association. Modifies § 11B-111.1 of the Real Property Article of the Annotated Code of Maryland.	This bill was passed by both the House and Senate. The bill was vetoed by the Governor as duplicative. <i>See SB403, below.</i>

Commission on Common Ownership Communities

Summary of 1999 Maryland Legislation

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HB913	Community Associations - Civil Liability. Sponsors: Sophocleus, Love, Rzepkowski, Cadden, and Clagett.	This bill limits the civil liability of specified community associations and specified agents of community associations under specified circumstances. Modifies § 5-406 of the Courts and Judicial Proceedings Article of the Annotated Code of Maryland.	This bill was given an unfavorable report by the House Judiciary Committee and, thereby, was killed.
HB959	Real Property - Priority of Liens - Homeowners Associations. Sponsors: Bobo, Bozman, Giannetti, Goldwater, Gordon, Moe, Patterson, Pendergrass, and Turner.	This bill provides, prospectively, that a specified portion of a homeowners association contract lien has priority over a first mortgage or deed of trust under specified circumstances. The priority is limited to the equivalent of 6 months of the current assessment, or \$2,500.00. The bill does not affect liens imposed pursuant to a Declaration that already provides for a priority, or to a mortgage or deed of trust held by or for the benefit of the State. Modifies § 11B-114 of the Real Property Article of the Annotated Code of Maryland.	This bill has a storied past, passing the House of Delegates in 1997, and the Senate Judicial Proceedings Committee in 1998, only to ultimately fail. Due to the action by the Senate Judicial Proceedings Committee (<i>see</i> SB336 below), the sponsors withdrew the bill.
HB963	Condominiums - Liens - Priority. Sponsors: Bobo, Bozman, Giannetti, Goldwater, Gordon, Moe, Patterson, Pendergrass, and Turner.	This bill provides, prospectively, that a specified portion of a condominium contract lien has a priority over a first mortgage or deed of trust under specified circumstances. The priority is limited to the equivalent of 6 months of the current assessment or \$2,500.00. This bill does not affect a lien imposed pursuant to a Declaration that already provides for a priority or to a mortgage or deed of trust held by or for the benefit of the State. Modifies § 11-110 of the Real Property Article of the Annotated Code of Maryland.	This bill has a storied past, passing the full House in 1997, and the Senate Judicial Proceedings Committee in 1998, only to ultimately fail. Due to the action by the Senate Judicial Proceedings Committee (<i>see</i> SB337 below), the sponsors withdrew the bill.
HB967	Maryland Home Builders Registration Act. Sponsors: Kach, Pendergrass, Pitkin, Krysiak, Brown, Minnick, Kirk, Walkup and Love.	This bill creates an Office of Home Builder Registration; adopts regulations and fees; establishes a Home Builders Registration Fund; provides for: registration and renewal criteria; denial, suspension or revocation of registration; penalties; a consumer complaint resolution process. Modifies provisions of § 4A, Business Regulation Article, Annotated Code of Maryland.	This bill was given an unfavorable report by the House Economic Matters Committee and, thereby, was killed.

Commission on Common Ownership Communities

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SB304	Housing - Discrimination Based Upon Source of Income Sponsors: Blount, Frosh, Mitchell, Hughes, McFadden, Forehand, Pinsky and Currie.	Prohibits discriminatory practices in residential housing based upon source of income; defines source of income; provides that the Act is not intended to prohibit a landlord or seller from establishing limits regarding the accommodation of tenants or buyer of residential housing who receive governmental assistance.	This bill was given an unfavorable report by the Senate Judicial Proceedings Committee and, thereby, was killed.
SB336	Real Property - Priority of Liens - Homeowners Associations. Sponsors: Green, Forehand, Hogan, Currie, Exum and Hollinger.	Senate version of HB959. This bill provides, prospectively, that a specified portion of a homeowners association contract lien has a priority over a first mortgage or deed of trust under specified circumstances. The priority is <i>limited</i> to the equivalent of 6 months of the current assessment or \$5,000.00. This bill does not affect a lien imposed pursuant to a Declaration that already provides for a priority or to a mortgage or deed of trust held by or for the benefit of the State. Modifies § 11B-114 of the Real Property Article of the Annotated Code of Maryland.	This bill has a storied past, passing the House in 1997, and the Senate Judicial Proceedings Committee in 1998, only to ultimately fail. In 1999, the Maryland bankers' lobbyist produced a letter from an Atlanta Fannie Mae VP, mis-characterizing their official position on priority liens. The sponsors were unable to overcome this problem; the Committee killed the bill on a 5-5 vote.
SB337	Condominiums - Liens - Priority. Sponsors: Green, Forehand, Hogan, Currie, Exum and Hollinger.	Senate version of SB963. This bill provides, prospectively, that a specified portion of a condominium contract lien has a priority over a first mortgage or deed of trust under specified circumstances. The priority is <i>limited</i> to the equivalent of 6 months of the current assessment or \$5,000.00. This bill does not affect a lien imposed pursuant to a Declaration that already provides for a priority or to a mortgage or deed of trust held by or for the benefit of the State. Modifies § 11-110 of the Real Property Article of the Annotated Code of Maryland.	This bill has the same history as SB336, having met with varied degrees of success in the House and Senate in past years. The Maryland bankers' lobbyist produced a letter from an Atlanta Fannie Mae VP mis-characterizing their official position on priority liens. The sponsors were unable to overcome this problem, the Committee killed the bill on a 5-5 vote.
SB403	Homeowners Associations - Family Day Care Homes Sponsors: Forehand and Ruben	Cross filed w/HB803, the bill prevents homeowners associations from including in a Declaration, Bylaws or recorded covenants, provisions expressly prohibiting use of a residence as a family day care home until lot owners, other than the developer, have 90% of the votes in the association.	This bill was passed by both the House and Senate. <i>Law effective: October 1, 1999.</i>

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		Modifies § 11B-111.1 of the Real Property Article of the Annotated Code of Maryland.	
SB444	Real Property - Water and Sewer Authority - Disclosure of Deferred Charges Sponsor: Lawlah	Adding a definition of “water and sewer authority” in a provision requiring a contract for the initial sale of improved, residential real property to disclose the cost of deferred water and sewer charges to the purchaser.	This bill was passed by both the House and Senate. The bill was vetoed by the Governor as duplicative. <i>See</i> HB673, above.
SB522	Real Property - Nuisance Abatement and Local Code Enforcement - Community Associations Sponsors: Sfikas, McFadden, Hughes and Kelley.	Cross filed w/HB387. This local Baltimore City bill alters the definition of “community association” under certain provisions of the law relating to the standing to seek judicial relief for abatement of certain nuisances; alters notice requirements. Modifies § 14-123 of the Real Property Article of the Annotated Code of Maryland.	This bill was passed by both the House and Senate. <i>Law effective: October 1, 1999.</i>
SB575	Maryland Home Builders Registration Act. Sponsors: Kelley, Blount, Collins, Conway, Astle and Della	Cross filed w/HB967. This bill creates an Office of Home Builder Registration; adopts regulations and fees; establishes a Home Builders Registration Fund; provides for: registration and renewal criteria; denial, suspension or revocation of registration; penalties; a consumer complaint resolution process. Modifies provisions of § 4A, Business Regulation Article, Annotated Code of Maryland.	This bill was killed in the Senate Finance Committee due to no action.
SB635	Criminal Law - Sex Offender Registration - Immunity for Community Associations. Sponsors: Stone and Della	The Bill provides immunity from liability for certain community associations and its members for distributing or failing to distribute information contain in a sex offender registration.	This bill was given an unfavorable report by the Senate Judicial Proceedings Committee and, thereby, was killed.

September, 1999